

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIO TRUJILLO,

Plaintiff,

v.

FRANCISCO JACQUEZ, ET AL.,

Defendants.

Case No. 10-cv-05183-YGR

**NOTICE OF TENTATIVE RULING AND
HEARING**

Re: Dkt. No. 196

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE OF THE
FOLLOWING:

Having reviewed the papers submitted and the record in this case, the Court **tentatively**
rules as follows on defendants' pending motions (Dkt. No. 196):


1. Defendants' Motion for Summary Judgment for failure to exhaust administrative remedies is tentatively:
 - a. **DENIED** as to Count III (conditions of confinement).
 - b. **GRANTED** as to Count IV (retaliation) only insofar as that claim alleges retaliation through issuance of a false rules violation report.
 - c. **GRANTED** as to Count V (conspiracy) except as to its allegations against defendants Polk and Reynoso in connection with purportedly false statements that sent plaintiff to contraband surveillance watch.
 - d. **GRANTED** as to Count VI (supervisor liability).
2. Defendants' Motion for Judgment on the Pleadings is tentatively (1) **GRANTED** as

1 to Count II on the ground that it fails to state a cognizable claim for relief and (2)
2 **DENIED** as to Counts II-V on statute of limitations grounds on the basis that those
3 claims relate back to the initial complaint in this action.

4 The Court **SETS** a hearing on this motion for **January 27, 2015** on the **2 p.m.** calendar in
5 Courtroom 1 of the U.S. District Court, 1301 Clay Street, Oakland, California. The parties shall
6 advise the Court by **January 20, 2015** as to whether they submit to the tentative ruling. If both
7 sides submit to the tentative ruling, then the January 27 hearing will be taken off calendar and a
8 comprehensive order shall issue.

9 **IT IS SO ORDERED.**

10 Dated: January 13, 2015

11 
12 **YVONNE GONZALEZ ROGERS**
13 **UNITED STATES DISTRICT COURT JUDGE**

United States District Court
Northern District of California